

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOJO DEOGRACIAS EJONGA,

Petitioner,

v.

JASON BENNETT,¹

Respondent.

Case No. C19-1360-RAJ-SKV

ORDER LIFTING STAY AND SETTING
BRIEFING SCHEDULE

This is a federal habeas action brought under 28 U.S.C. § 2254. On December 17, 2019, this Court issued an Order granting Petitioner's motion to stay and hold in abeyance his federal habeas petition pending exhaustion in the state courts of claims asserted in his amended petition for writ of habeas corpus. Dkt. 22. Petitioner has now filed a motion to lift the stay, and he requests therein that he be granted 30 days to supplement his previously filed amended petition. Dkt. 23. Respondent has filed a response in which he indicates he does not object to Petitioner's

¹ Petitioner identified Michael Obenland as the Respondent when he filed this action in August 2019. Respondent has advised the Court that Petitioner is currently confined at the Stafford Creek Corrections Center and that Jason Bennett, the Superintendent of that facility, is the correct Respondent at this time. Dkt. 24 at 1 n.1. The Clerk is directed to substitute Jason Bennet for Michael Obenland as the Respondent in this action.

1 motion, and he requests that the Court set an appropriate briefing schedule for the parties. Dkt.
2 24. As Petitioner represents to the Court that his proceedings have now concluded in the state
3 courts, it is appropriate to lift the stay and, as Respondent requests, set an appropriate briefing
4 schedule.

5 Accordingly, the Court ORDERS as follows:

6 (1) Petitioner's motion to lift the stay (Dkt. 23) is GRANTED.

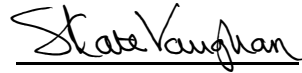
7 (2) Petitioner's request for leave to file a supplemental brief (Dkt. 23) is also
8 GRANTED. Any such brief shall be filed not later than **December 6, 2024**. Petitioner is advised
9 that his supplemental brief may only include additional briefing on issues previously raised in his
10 amended petition. If Petitioner intends to amend existing claims, or add new claims to his
11 petition, he must file a second amended petition, by the date designated above, so that all
12 intended claims are set forth in a single document.

13 (3) Respondent shall file and serve an answer to Petitioner's amended petition not
14 later than **January 21, 2025**. As a part of such answer, Respondent shall state whether Petitioner
15 has exhausted available state remedies and whether an evidentiary hearing is necessary.
16 Respondent shall not file a dispositive motion in place of an answer without first showing cause
17 as to why an answer is inadequate. Respondent shall file the answer with the Clerk of the Court
18 and serve a copy of the answer on Petitioner. The answer will be treated in accordance with
19 LCR 7(d)(4). Accordingly, on the face of the answer, Respondent shall note it for consideration
20 no earlier than 28 days after filing. Petitioner may file and serve a response no later than 21 days
21 after the answer is filed, and Respondent may file and serve a reply no later than 28 days after
22 the answer is filed.

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ORDER LIFTING STAY AND
SETTING BRIEFING SCHEDULE - 2

1 (4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for
2 Respondent, and to the Honorable Richard A. Jones.

3 DATED this 6th day of November, 2024.

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5 S. KATE VAUGHAN
6 United States Magistrate Judge
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